

NOTICE OF DETERMINATION OF INELIGIBILITY AND DESCRIPTION OF APPEAL PROCESS

(Lender Letterhead)

Applicant Name(s)
Current Street Address
City, St., Zip

Date _____

Dear _____:

A review of the documentation you submitted to support your declared status as a United States citizen or national or a qualified alien in connection with your application for a California Housing Finance Agency (CHFA) loan or grant has been completed. You have been determined to be ineligible for a CHFA loan or grant for the following reason(s):

(i.e., The United States Immigration and Naturalization Service ("INS") has determined that you are not a United States citizen or national or qualified alien.)

(To be used only when the INS determined that the applicant was ineligible.) If you believe that the INS provided us with erroneous information about your immigration status, you may contact them at

_____ (insert the address and phone number of the local office) to provide correct information.

Any applicant who is determined to be ineligible on the basis that they are not a United States citizen or national or a qualified alien, may appeal such determination. The appeal process cannot be used to appeal any other CHFA or lender eligibility decisions (e.g. first-time homebuyer, income eligibility, credit worthiness, property eligibility, etc.).

1. To be considered, an appeal: (a) must be submitted in writing to the CHFA; (b) must be either hand delivered, facsimile-transmitted or postmarked within fifteen (15) calendar days from the applicant's receipt of this written determination of ineligibility (this determination is deemed "received" on the date of delivery if hand delivered; on the date of transmission if facsimile transmitted, and; on the third calendar day following the date it is postmarked, if mailed.); and (c) must state the reason(s) the applicant believes the residency determination was in error. All appeals must be submitted to the California Housing Finance Agency, Single Family Programs, 1121 L Street, 7th Floor, Sacramento, CA 95814, fax number (916) 324-6589. If the appeal is not delivered, facsimile-transmitted or postmarked within the required time period, the verification process will be considered complete and the appeal dismissed.
2. Upon receipt of an appeal, CHFA will appoint a person to serve as a review officer which person will not be the same person who rendered the determination being appealed nor a subordinate of such person.

3. The review officer may determine the relevance of the submitted information and may request additional information from the applicant or the person who rendered the determination being appealed and any other source he or she determines has relevant and reliable information, including but not limited to the INS. The review officer may set a cutoff time after which no additional information will be accepted.
4. The review officer will review the determination being appealed including all information upon which it was based as well as all information submitted by the applicant in support of his or her appeal. The authority of the review officer will be limited to a determination of eligibility based on the applicant's status as a United States citizen or national or qualified alien and he or she will have no authority to overrule any decision or conclusion of the INS regarding the applicant's immigration status.
5. If, during the appeal process, the review officer is informed by CHFA that the applicant is ineligible to receive the loan or grant for reasons other than his or her immigration status, the appeal will be dismissed.
6. The review officer will use his or her best efforts to provide a written notice of decision to the applicant within fifteen (15) calendar days following the receipt of the appeal provided, however, that in the event the review officer is unable to do so, he or she will provide a written notice to the applicant that (a) additional time is necessary, (b) the reason why, and (c) the date by which the decision will be rendered. In the event that the review officer is unable, after using his or her best efforts to do so, render the decision within the specified time frame, the review officer may repeat the extension process, as necessary, until the decision is rendered. The decision of the review officer will be a final administrative decision which will complete the final verification process.

Questions regarding this CHFA appeal process may be directed to CHFA Single Family Programs, at 1121 L Street, 7th Floor, Sacramento, CA 95814, or by calling (916) 324-8088.

Signed by: _____

Title: _____